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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1753 OF 2003

Mr. Vinay S. Ghatkar ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. A.M. Sarogi for the petitioner.

Mr. I.S. Thakur, A.P.P. for respondents 1(a) and 1(b).

Mr. Subhash Jha i/b M/s. Law & Global for respondents 2 and 3.

CORAM: SMT. RANJANA DESAI &
A.S. OKA, JJ.

DATED: 1ST OCTOBER, 2004.

P.C. :-

1. This is a habeas corpus petition. The grievance of the petitioner is that his wife Ms. Amrita Vinay Ghatkar nee Nargis Saeed i.e. respondent 4 herein was illegally confined by her parents in Lucknow. Her parents are parties to this petition being respondents 2 and 3 herein. Pursuant to the directions given by us, the parents have produced in this court today Ms. Amrita Vinay Ghatkar nee Nargis Saeed. The petitioner Mr. Vinay Ghatkar is also present in court. The parents of respondent 4 as well as the respective advocates of the parties are also present in court. The learned Addl. P.P. Mr. Thakur is also present in court.

2. Considering the nature of the present petition and at

the request of the learned counsel, we first interviewed respondent 4 Ms. Amrita Vinay Ghatkar nee Nargis Saeed alone, in our chamber. She stated that her age is 23 years. She was educated in the St. George Convent School at Malad. She did her B.Com. from Bhavan's College, Andheri. She told us that she has married the petitioner of her own free will. She stated that she had gone with her parents to Lucknow of her own will because her parents told her that a marriage reception was to be held in Lucknow. The objection of her parents is only to her converting to Hinduism. She told us that she wants to go back to the petitioner Mr. Vinay Ghatkar. However, she would like to be known as "Ms. Nargis Vinay Ghatkar" and not as "Ms. Amrita Vinay Ghatkar". She also told us that she would like to follow Islam but she has no objection to the petitioner following his own religion. Thereafter, she requested that she would like to talk to her husband i.e. the petitioner. We, therefore, first called the respective advocates of the parties in our chamber and we asked them whether we could allow the petitioner to talk to his wife - respondent 4. The learned counsel agreed to this. We, therefore, allowed the petitioner to talk to his wife alone, in our chamber. Thereafter, both the petitioner Mr. Vinay Ghatkar and respondent 4 Ms. Nargis Vinay Ghatkar told us that they want to stay together. Ms. Nargis Vinay Ghatkar told us that she would like to go with her husband to his house directly from here. Ms. Nargis Vinay Ghatkar, however, suggested that she would like her

husband to stay separately. The petitioner stated that he has already purchased a flat at Malwani and he would be shifting to that flat along with his wife as soon as the same is ready by this Diwali.

3. We wanted to dictate this order in the open court. However, the learned counsel, the petitioner and respondent 4 requested us that considering the sensitive nature of this petition, the order be dictated in chamber and, therefore, we have dictated this order in chamber in the presence of both the counsel, the petitioner and respondent 4.

4. The petitioner states that from this court he will take his wife Ms. Nargis Vinay Ghatkar, to his uncle's house at Worli. They will stay there till he gets possession of his flat at Malwani and, thereafter, they will stay in his flat at Malwani. We record the statement of the petitioner that he has no objection to his wife professing Islam and continuing to be known as Ms. Nargis and that he will stay with her in his new flat at Malwani and today, he will take her to his uncle's house at Worli. Ms. Nargis Ghatkar made a statement that the matrimonial petition filed by her in Lucknow will be withdrawn by her. She says that she will give instructions to her lawyer by registered post A/D letter to withdraw the matrimonial petition. We record this statement.

5. In view of the statements made by the petitioner and Ms. Nargis Vinay Ghatkar which are recorded by us, nothing survives in this petition. Hence, we dispose it of with no order as to costs.

(SMT. RANJANA DESAI, J.)

(A.S. OKA, J.)